

THE TORRENS SYSTEM.

Another Letter on the Subject
From Mr. Massie.

It is Designed to Correct-Defects in
Our Present System of Registration
Which Might Be Remedied by the Adop-
tion of the Simple and Economical
System.

(The Richmond Dispatch, Aug. 5th.)

Those who have had frequent trans-
actions in real estate can appreciate the
difficulties encountered and the dangers
involved, to say nothing of the heavy
expenses and tedious delays. The
writer has often heard an old and promi-
nent member of the Richmond Bar
say that a contract about real estate
was almost as difficult to consummate
as a contract of marriage, and that it
involved almost as many unforeseen
perils and responsibilities.

If laymen understood the labors im-
posed upon lawyers in every exami-
nation of titles under our present sys-
tem, and realized the great responsi-
bilities assumed in passing upon titles,
the work of the profession would be
much more highly appreciated and bet-
ter remunerated. The lawyer is re-
quired not only to make a most careful
search of the records in the proper
clerk's office, but it is necessary for
him also to seek information about many
things which do not appear upon the
records.

We have a system of registration
upon which we rely, but our records
afford no proof of the genuineness of
the signatures, either of the parties to
deeds or of the magistrates before
whom the acknowledgments were made.
They do not show the identity of the
parties, though in populous districts
there are many of the same name.
They do not show delivery of the deed,
though that is a necessary element of
a valid transfer. They do not show
the legal capacity of the parties. They
do not show the true heirs of decedents.
They give no warning of marriage or
divorce. They make no revelation of
rights acquired by prescription. They
give no indication of titles ripened by
adverse possession. They do not neces-
sarily show whether a decedent died
testate or intestate; and we have a
statute which allows a will to be filed
seven years after the testator's death,
and extends the limitation in favor of
an infant or insane devisee for two
years after removal of disability. (Acts
1891-'92, page 239.) Prior to this statute
there was no limit upon the time with-
in which a will might be probated. It
is a well-known fact that most wills
are probated in ex parte proceedings,
and a statute permits any person in-
terested, who is not a party to these
proceedings, to file a caveat within
two years to impeach or estab-
lish a will; any infant interested, be-
ing allowed one year after he be-
comes of age within which to file such
a bill, and any non-resident, or any
party, proceeded against by order of
publication, unless he actually ap-
peared as a party, or was personally sum-
moned, being given two years after the
decree of probate within which to file
such a bill. (Code, sections 2544, 2545.)

In addition to these criticisms, our
records give no proof of proper bound-
aries. They give no notice of unre-
corded deeds, which, if admitted to re-
cord within ten days from date of ac-
knowledgment, shall, unless they be
spurious, have the same effect as if
marriage, be as valid as if recorded,
and subsequent purchasers as if re-
corded on the day of acknowledgment.
(Code, section 2469.) They offer no
proof of authority of officers of corpo-
rations to execute deeds. They give
no notice of mortgages, which, if
granted and issued by persons indis-
criminate, without any sort of satisfac-
tory proof that the same land had
not been already granted. And this
vice was extended to grants of large
exterior boundaries, covering thou-
sands of acres described by corners as
black oaks, beeches, black oaks, white
oaks, red oaks, post oaks, and all the
family of oaks, or any other old tree,
stump, stone, or "pointers," and often-
times including many other smaller
grants of equally undefined boundaries.
Under this system it is absolutely
impossible for the most careful exami-
ner of titles to have any certainty that
the result of his labors will show the
true state of the title. And it is abso-
lutely necessary, particularly in the
examination of titles to large tracts of
land, to be familiar with the land it-
self, and to learn its history from those
who have spent their lives in the
neighborhood. It is not an un-
common experience to examine titles
traced from the original grant of the
government and find no flaw upon the
record until informed by those who
know that an adverse claimant, who,
perchance, has never seen the property,
asserts title under another and
older patent from the same govern-
ment which had made the grant upon
which the title being examined was
based.

Again, our records may be silent as
to the lien of a judgment which, if
rendered in any of the courts except
the Circuit, Chancery or Law and
Equity Court of the city of Richmond,
relate back to the commencement of the
term of the court in which it was rendered.
(Code, sections 3567-'8, 3570.) In ad-
dition to this, our records may be wholly
silent as to any liens which may arise
under Federal statutes or suits or de-
crees of Federal courts. (But see
Acts, 1889-'90, page 22, a statute on
the subject passed in accordance with
the recommendation of the lamented
Judge E. C. Burks, from whose pen
an able article may be found in 13 Va.
L. J., page 289.) And, in conclusion, it
is to be noted that our indexes are
often imperfect and may fail to indicate
transactions of prime importance.

Moreover, the records are accumulat-
ing with such rapidity in the cities
that their storage is becoming a se-
rious question, and the labor of title
examination is being enormously in-
creased every year. A letter from the
Recorder of Deeds of Cook county, Ill.,
states that there are now about 7,000
volumes of records of 640 pages each
in his office, which have accumulated
since the great fire of October, 1871;
and these records have been increas-
ing during the last six years at the
rate of 456 volumes per year.

REFORMS MADE NECESSARY.

The records have multiplied to such
an extent in the city of New York
that efforts have been made for a num-
ber of years to correct the evil; and in
January, 1893, a new system of abbre-
viated forms of deeds was adopted to
decrease the bulk. They have also

what is known as the Block system,
under which the city is divided into
certain blocks, for each of which
there is a separate Book of
Record in which all transactions con-
cerning real estate within that block
must be recorded. These reforms have
somewhat simplified the examination
of titles, but they have by no means
been adequate to meet the evil.
The writer is informed that the
regular clerk in the Recorder's office
finishes their daily labors, an army of
special clerks, employed for the pur-
pose by real estate agents and title-
examining companies, pours in and
examines the night in making notes, ex-
tracts, and abstracts of the transac-
tions that have taken place during the
day. In the New York county office
there are now 3,331 volumes of deeds
and 3,394 volumes of mortgages, mak-
ing a total of 6,725; and these records
have been accumulating since January
1, 1893, when the new system of short
forms went into effect, at the rate of
225 volumes per year.

Even in our own city of Richmond
the difficulties of searches of titles are
being rapidly augmented every year.
In the clerk's office of the Chancery
Court we have 329 deed books, covering
the period from 1783 to July, 1900; and
thirty release deed books, covering the
period since 1884. Our deed books
are increasing at the rate of nine vol-
umes per year, and the release deed
books at the rate of three volumes per
year. Besides this, we have often to
examine the records in the clerk's of-
fice of Henrico county for a city title;
and in the county office there are 207
volumes, increasing at the rate of three
deed books and one release deed book
per year.

These are some of the difficulties
that beset our profession in the ex-
amination of titles and lie in the path-
way of all who deal in real estate.
And no matter how often a title may
have been examined, it must always be
thoroughly re-examined before any
sale can be made or any money bor-
rowed upon it—all of which means de-
lay and expense.

DIFFERENT WITH STOCKS.

How many transactions would there
be in stocks and bonds if they were
not subject to such costs and hin-
drances? And what would become of
the great stock exchange if it were
cramped and strangled by being forced
to wear this shirt of Nessus? Suppose
there could be no transfer nor pledge
of stocks and bonds until the title had
been thoroughly examined at consid-
erable cost and great delay. Would
this have no effect upon market val-
ues? Would it have no effect upon the
volume of business done with such se-
curities? It is not too much to say
that such a requirement would close
every stock exchange in the country,
and brokers would starve, or the own-
ers of securities would be specially
taxed for their support, while they
were endeavoring to worry through
cumbersome transactions. It is not im-
proper to emphasize the fact that
under our present system the greatest
injustice is done owners of real estate
in comparison with those who own and
deal in stocks and bonds.

The inevitable result of the old sys-
tem is that in all cities of any size the
business of examining titles has passed,
or is rapidly passing, into the hands of
great corporations formed for that pur-
pose, and the individual lawyer is being
crowded out of all such work, for he
cannot compete with the corporations,
and, indeed, he is no longer competent
to do the work which is done by them.
Another result is that fact that buyers
and dealers in real estate have found
that a lawyer's certificate is no longer
satisfactory, and that no real estate can
be safely handled until the title has
been insured. And great companies
have been formed in all the large cities
whose business it is to insure the titles
of real estate.

But wherever the Torrens System is
in operation there is no need for cor-
porations either to examine or to in-
sure titles. To a great extent owners
and dealers can be their own lawyers,
and whenever legal services are neces-
sary or desirable they can be satisfac-
torily and safely rendered by any re-
putable member of the profession. The
writer is convinced that the adoption
of the Torrens System would greatly in-
crease real estate transactions in
Virginia, and would thus give employ-
ment to his profession at large; but he
is satisfied that the benefits it would
confer upon the farmers and all who
own real estate would be even greater
than those conferred upon the lawyers.
And he is anxious for the people to
understand this matter and to interest
themselves in promoting what he be-
lieves would be a most salutary re-
form in the land laws of the Common-
wealth. The operation of the system
will be set out in another article, which
will be published next week.

EUGENE C. MASSIE.
Richmond, Va.

WEEKLY CROP SUMMARY.

THE WEATHER BUREAU'S WEEKLY
BULLETIN.
(By Telegraph to Virginian-Pilot.)

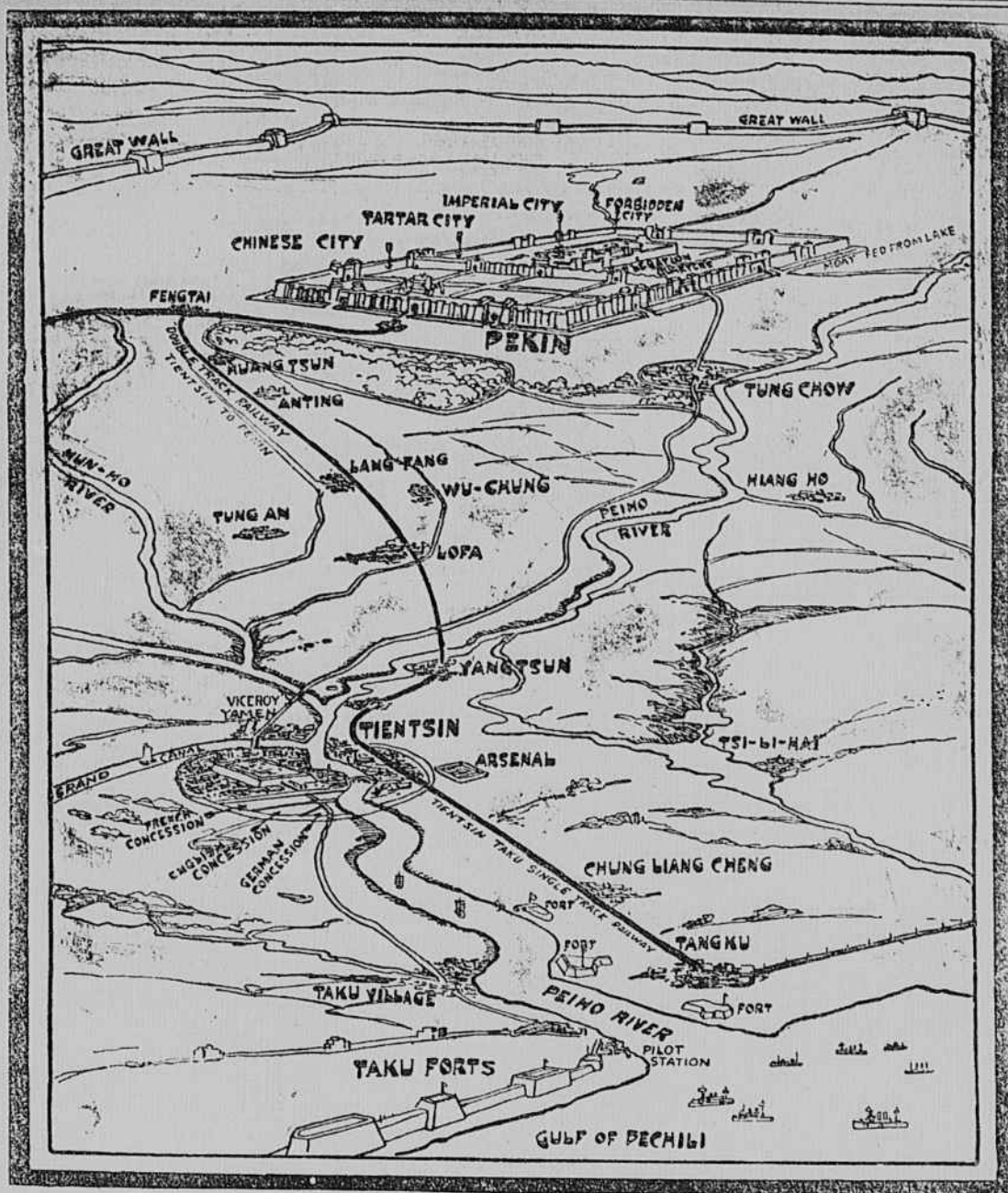
Washington, Aug. 7.—The Weather Bu-
reau's weekly summary of crop condi-
tions says:
The week has been very hot in the
States of the Missouri and upper Missis-
sippi valleys, and while there was a gen-
eral lack of rainfall over a large part of
the country east of the Rocky Mountains,
of the Gulf States and over portions of
the Central Ohio, Missouri and Red River
of the North valleys. Rains are very gen-
erally needed in the central Mississippi
and lower Missouri valleys, and in the
Atlantic coast States from the Carolinas
northward. Corn, more particularly the
sorghum, is in the States of central Missis-
sippi and Missouri would be greatly
benefited by rain, but the early plant-
ing in these sections is generally be-
yond the danger of drought. In the
Lake region and Ohio valley, and gener-
ally in the Atlantic coast districts the crop
has made good progress, but is beginning
to show signs of distress from drought.
Over the northern portion of the States,
and western districts of the cotton belt
the condition has improved, and while an
improvement is reported from the Caro-
linas, the general condition of the crop
in Georgia, Florida and Louisiana is less
promising, complaints of rust, shedding
and premature opening being numerous.
In Texas the crop is from two to three
weeks late, its condition in the northern
portion being promising, while complaints
of rust, shedding and ravages from
insects are received from the southern
part of the State.

The tobacco crop has made favorable
advancement, and its condition is gen-
erally promising, although needing rain in
Virginia. Some cutting has been done in
Ohio and cutting will soon begin in In-
diana.

Sentenced to Penitentiary.

(Special to Virginian-Pilot.)
Richmond, Va., Aug. 7.—Phillip Tuck-
er, colored, was sentenced to eighteen
years in the penitentiary at Gloucester
County Court to-day for breaking into
the house of Mrs. Mary Daniels and at-
tempting an assault upon Miss Virginia
Hall, her adopted daughter. The testi-
mony of the ladies was taken with the
doors closed.

The more the principles of good ad-
vertising become understood, the better
it will be for the advertiser, and the
good, and the worse it will become for
those which are not worth what they
cost.—Printers' Ink.



BIRDS-EYE VIEW OF THE COUNTRY BETWEEN TAKU AND PEKING.

ON THIS birds-eye map all the im-
portant points between Taku and
Peking—100 miles—are to be seen
in their relative positions. The ab-
solute distances are given in the ad-
joining table. The route of the unsuccess-
ful relief force lay along the railway from
Tientsin to the village of Lang Fang, a

	Miles.
Taku to Tientsin.....	27
Tientsin to Peking.....	79
Tientsin to Chungliang Cheng.....	17
Tangku to Chungliang Cheng.....	13 1/2
Peiho river to bar at mouth.....	6

party of bluejackets from H. M. S. Auro-
ra pushing as far as Antung. On June
16 the force was compelled to return to
Yangtsun, from which it fought its way
back to Tientsin, taking the wounded in
boats down the Peiho. Only low hills
break the surface as far away as the
great wall, which is seen rising like a
rampart in the distance.

THE KENTUCKY STRUGGLE.

TACTICS OF LAWYERS IN GOEBEL
MURDER CASE.

(By Telegraph to Virginian-Pilot.)
Georgetown, Ky., Aug. 7.—To-day's ses-
sion of the trial of former Secretary of
State Caleb Powers developed the fact
that both sides in the case will be dealt
extensively in the contradiction and im-
peachment of witnesses.
The most important testimony heard to-
day was given by Governor Taylor, who
of the Barbourville company, of which John
Powers was captain. Trasper testified
that the shot which killed Governor Goebel
was fired from the third story of the
executive building and not from the Sec-
retary of State's office, which is on the
first floor. Trasper declared he saw the
window raised and saw the smoke from
the explosion, but did not see the gun or
the person who fired it.
At the afternoon session of the court
the defense further sought to contradict
W. H. Culton by introducing two wit-
nesses, who testified that Culton told
them he had an agreement with the pro-
secution by which he was not to be con-
fined in jail.
Culton on the stand denied that he ever
made such a statement.
State Senator George H. Alexander, of
Louisville, testified as follows:
"I was in Governor Taylor's private
office talking to him when the shooting
occurred. There was one shot, sharp and
loud, and four others, which were dull
and muffled. I got up and ran out of the
office and stood behind a tree on Lewis
street. I could see the body of the
wounded man lying on the pavement.
I then walked to the corner of Lewis
I heard that it was Mr. Goebel that had
been shot. I do not remember what Gov-
ernor Taylor said when he heard the
shots, but believe he made some exclamation
of surprise. I saw several rough
looking men in the ante-room of the Gov-
ernor's office as I first came in.
John Perkins, the colored porter in the
adjutant's office, says he was in that of-
fice when the shooting occurred. "Tailor,"
the former of whom is under indictment
as an accessory, were in the office at
that time. About five minutes after the
shooting he went to the arsenal with a
message from Assistant Adjutant General
Dixon calling out the troops.
Corporal Milt Trasper said he arrived
late at Frankfort on January 25 and re-
mained until January 30. He was in the
House cloakroom looking out of a win-
dow toward the executive building when
the shooting occurred. He saw a window
on the third floor of the executive build-
ing raised, heard the shots and saw
smoke, but could not see either man or
gun. Witnesses did not go up into the ex-
ecutive building for over an hour after
the shooting.
He claimed that he found two boxes,
one upon the other, near the window he
had noticed open when the shots were
fired.
Cross-examined, Trasper said he was a
member of John Powers' military com-
pany. The latter sent for him on January
21 and told him he had secret orders from
Governor Taylor to bring his military
company to Frankfort. Witness was
afraid trouble might come up over the
soldiers' going in this manner and pre-
sented Powers' note to protect himself. The
note in case there was any irregularity about
it. Witness did no military service at
Frankfort until immediately after the as-
sassination. John Powers met him and
told him to get his gun, which he did.
Dr. J. W. Brewitt testified that John L.
Powers became ill at Frankfort about
noon, January 25 and that he was called
to see him twice that day. Robert Noakes
had testified in regard to several conver-
sations with Powers on that day and Dr.
Brewitt's testimony was in contradiction
of Noakes.

SYMPATHY FOR ITALY.

IN THE DEATH OF KING HUMBERT.

(By Telegraph to Virginian-Pilot.)
Richmond, Va., Aug. 7.—The following
cablegram was received this morning by
the Italian Benevolent Society of Rich-
mond:
"Milano, via France.—Italian Benevolent
Society, Richmond, Va. August sov-
ereign sends thanks for condolences.
(Signed) GEN. PONZIO VAGLIA."
This has in acknowledgment of the cab-
legram sent by the society to the sov-
ereign, expressing its sorrow and the
sorrow of the Italian residents of Rich-
mond at the death of King Humbert. The
Prince of Naples Society also sent a
cablegram of condolence.
A procession and mass in memory of
the late King will be held here to-morrow
morning.

DEMONSTRATION IN BIRMINGHAM.

Birmingham, Ala., Aug. 7.—Five hun-
dred Italians of this city and surround-
ing towns to-day made a public demon-
stration of their sympathy for the be-
reaved which has befallen their country
in the death of King Humbert.
With banners, music and brass bands
playing martial music they marched
through the leading streets of the city.
In carriages were Mayor W. M. Drennan
and members of the Board of Aldermen
and other public functionaries.
The parade halted at St. Paul's Cath-
edral Church and here a solemn high re-
quiem mass was said for the repose of
the late King.

MEMORIAL SERVICE IN WASHING- TON.

Washington, Aug. 7.—Baron Fava, the
Italian Ambassador, announces that a
memorial service will be held at Wash-
ington on August 19th at 11 o'clock in
honor of King Humbert's President Mc-
Kinley has signified his purpose to come
from Canton and be present at the of-
ficial ceremony and the members of the
Cabinet in the city will be present. The
service will be at the St. Matthew's Cath-
olic Church, Cardinal Gibbons as the
principal dignitary of the church, offici-
ating.

A Big Sale.

(By Telegraph to Virginian-Pilot.)
Cincinnati, Ohio, Aug. 7.—In New-
port, Ky., to-day the Cincinnati Leaf
Tobacco Warehouse Company's prop-
erty was sold at auction under order
of court by James C. Ernst to W. E.
Hutton for \$1,600,000. The property is
located in Ohio, Kentucky and Tennes-
see. The new organization will be
known as the Cincinnati Tobacco
Warehouse Company.

Standard Oil Dividends.

(By Telegraph to Virginian-Pilot.)
New York, Aug. 7.—The directors of
the Standard Oil Company of New Jersey
have declared a dividend of \$5 per share,
payable September 15. In June 20 per
cent. was distributed and in March 20 per
cent.

BRIGHTON JUNIOR STAKES.

COMMANDO WINS THE TEN THOU-
SAND STAKE.

(By Telegraph to Virginian-Pilot.)
New York, Aug. 7.—The Brighton Junior
stakes of \$10,000 was the feature of the
racing at Brighton Beach to-day. The
Keosauqua, Commando and Olympian,
coupled in the betting at the prohibitive
price of 1 to 6, ran one two, Commando
winning by a neck from Olympian, who
was under double wraps. Summary:
First—One mile, selling: Exit, 2 to 10
won; M. Bardell, 5 to 1 and 7 to 2, second;
Sixth—1 1/2 miles, selling: 1:12 1/5.
Sixth—1 1/2 miles, selling: Brigade, 5
to 1 won; Hardy C. even, won; Old Tank,
3 to 1 and 4 to 5, second; Sir Hubert, 5 to
1, third, Time, 2:18.
Third—Six furlongs: Agnes D., 4 to 1
won; Belvino, even and 1 to 2, second;
Cresson, 3 to 1, third, Time, 1:14 1/5.
Fourth—1 1/2 miles: David Garrick, 2
to 5, won; Knight of Rhodes, 11 to 5 and
out, second; Star Chime, 5 to 1, third,
Time, 1:35 2/5.
Fifth—The Brighton Junior, 6 furlongs:
Commando, 1 to 6 and out, won; Olym-
plan, 1 to 6 and out, second; All Green,
10 to 1, third, Time, 1:13 1/5.
Sixth—1 1/2 miles, selling: Brigade, 5
to 1, won; Silver Garter, 7 to 1 and 2 to 1,
second; Buffoon, even, third, Time,
1:47 1/5.

Why Towne Resigned.

(By Telegraph to Virginian-Pilot.)
Lincoln, Neb., Aug. 7.—Vice Chair-
man Edmiston, of the Populist Nat-
ional Committee, to-night gave the
Associated Press the following state-
ment on the withdrawal of Mr. Towne:
"At Kansas City, when the National
Committee was in session, by resolution,
which was passed unanimously,
I was authorized, in the event of Mr.
Towne's withdrawal, to assemble the
committee of any day for the purpose
of taking the same under considera-
tion, and for the further purpose of
nominating or naming some member
of the People's party to fill such vac-
ancy. This I shall do. First, before
taking any official action, I prefer to
meet the Executive Committee at Chi-
cago, which was called a few days
ago to meet on August 9. I desire to
confer with Senator Butler, as chair-
man of the National Committee, and
with the leaders of the party."

"I have no doubt, however, that the
patriotism and spirit for an honest
government will guide the action of all
members of the People's party in their
deliberation and in considering these
matters. Pending the action of their
committee, I desire to assure one and
all throughout the length and breadth
of the country that the name of the
People's party and its interest politi-
cally and otherwise shall be protected
and fostered, and we shall strive to
inspire its membership to vigorously
engage in this campaign as ardently
as had our candidate remained upon
the ticket."

YELLOW FEVER REPORT.

INCREASING IN MEXICO—SITUA-
TION AT TAMPA.

(By Telegraph to Virginian-Pilot.)
Washington, Aug. 7.—United States
Consul Thompson, at Progreso, Mexico,
informs the State Department that yellow
fever seems to be on the increase there
and is virulent at Merida, capital of
Yucatan.

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had no announcement to make. It would
be surprising, he said, if a case should
develop.

Big Shipment of Gold.

(By Telegraph to Virginian-Pilot.)
New York, Aug. 7.—Baring, Magoun &
Co. will ship \$2,500,000 in gold by to-mor-
row's steamer. The gold will go in the
form of bars in anticipation of war loan
remittances. Heidelberg, Ickelheimer &
Co. have made provisional arrangements
for \$1,000,000 for shipment to London
Thursday, and Ladenburg, Thalmann &
Co. may also send \$500,000.

Pensacola Gets Dock.

(By Telegraph to Virginian-Pilot.)
Pensacola, Aug. 7.—Advices from
Washington say that the President and
the Secretary of the Navy have decided
to locate at the Pensacola navy yard
the immense floating dock bought at
Havana from the Spanish Government.

Book of the Royal Blue.

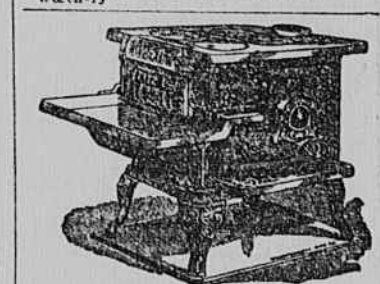
The August number of the Book of
the Royal Blue is one of the most in-
teresting numbers of this excellent
journal ever issued. The leading
article will be read with pleasure, as
it is an installment of "Artists' Excur-
sion Over the Baltimore and Ohio Rail-
road," an article that originally ap-
peared in Harper's Magazine for June,
1899. Virginia is honored with a very
readable article on "The Castles of
Luray." The dessert at the close is most
acceptably furnished by some new
"Stub Ends of Thought," by Mr. Ar-
thur G. Lewis, the poet laureate of the
Baltimore and Ohio.

THE STRAIGHT AND NARROW ROAD.

(Printers' Ink.)
The closer the average advertiser
sticks to the newspaper, the fewer mis-
takes will he make.

Relief in Six Hours.

Distressing kidney and bladder disease
relieved in six hours by "New Great
South American Kidney Cure." It is a
great surprise on account of its exceeding
promptness in relieving pain in bladder,
kidneys and back, in male or female. Re-
lieves retention of water almost immedi-
ately. If you want quick relief and cure
this is the remedy. Sold by Walke, Mar-
tin & Gray, druggists, Norfolk, Va.
with-ly



Why Pay Enormous Prices

for your cooking stove or range, when
you can buy direct from the factory and
save one-third of the cost?
Write for catalogue and full particulars.

Manufacturers of the celebrated

FITZ LEE COOKING STOVE.

ADDRESS OR CALL ON

SOUTHERN STOVE WORKS,

815 to 827 North Seventeenth St

RICHMOND VA.

WEAR

Hotheimers

RELIABLE

SHOES

BEST FOR THE PRICE.

NORFOLK, PORTSMOUTH,

RICHMOND.

Ice Cream Freezers

IF YOU WANT GOOD CREAM
FREEZERS, THEY ARE

The Best On Earth.

ALSO LARGE ASSORTMENT OF
LAWN MOWERS, WATER COOLERS,
REFRIGERATORS, RUBBER HOSE,
FISHING TACKLE, ETC., ETC., AT
LOWEST PRICES.

P. J. MALBON,

109 Commercial Place

Both Phones No. 401.

Norfolk Iron Works,

GEO. W. DUVAL & CO.,

NO. 3 WATER STREET, NORFOLK.

ENGINES, BOILERS, SAWMILLS, and
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